

EXHIBIT 9

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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

AARON JAMES and TIFFANY JAMES,
Heirs and Proposed Personal Representatives
of the Estate of Zane James,

Plaintiffs,

vs.

CASEY DAVIES, and COTTONWOOD
HEIGHTS;

Defendants.

Case 2:19-cv-00341

DECLARATION OF CHRIS BURBANK

Judge Howard C. Nielson, Jr.
Magistrate Judge Dustin B. Pead

STATE OF UTAH)
) ss.
County of Utah)

1. My name is Chris Burbank. I am a resident of Salt Lake City, Utah. I can be contacted through the offices of Plaintiffs' counsel, Sykes McAllister Law Offices, PLLC.

2. I am the former Chief of the Salt Lake City Police Department. I served in that capacity from March 2006 through June 2015. I was an officer with the Salt Lake City Police Department from 1991 through 2015. I served in multiple capacities during my tenure. As Chief, I worked closely with police departments and officers from around the United States.

3. I have a Bachelor of Science in Sociology from the University of Utah and am a graduate of the FBI's National Executive Institute.

4. I have served as the First Vice President of the Major Cities Chiefs Association, an assembly of the 75 largest policing agencies in the United States and Canada. I have testified before Congress four times and served as an advisor on police matters to the White House and the Department of Justice Civil Rights Division.

5. I am currently Vice President of Law Enforcement Strategy for the Center for Policing Equity ("CPE"). CPE is a nationwide organization and a non-profit group whose purpose is focused on eliminating bias in policing by data analysis and policy development. CPE has created partnerships with police departments across the country. CPE is very active in the effort to eliminate racism and bias in policing nationwide and to find solutions to the waning public trust and confidence in policing.

6. I am very well acquainted with the *Axon Network* line of cameras and software. In my current line of work with CPE, I have diligently kept updated on all aspects of Axon equipment, but specifically body camera equipment and data storage. The data storage system is called Evidence.com. Evidence.com is the equivalent of Axon's cloud storage. I have worked with Evidence.com both during my tenure in the Salt Lake City Police Department as well as in my national involvement with CPE.

7. The Axon Network and Evidence.com allows a municipal police department to manage all data from the taking of body camera video data to the uploading and permanent storage of the data.

8. One of the key benefits of Axon's Evidence.com storage system is that it maintains a "digital footprint" of all stored data, especially as it involves body camera video data. When a body camera is placed in a docking bay for charging at the end of a shift, the video data on the camera is immediately uploaded to the Axon storage system. The video data is given a time and date stamp as well as imprinted with identification of the officer that had been operating the camera during the shift period. This level of data retention is for evidence protection purposes.

9. The digital footprint is a permanent part of the video data and remains on the storage system. If any use of the video data occurs, i.e. editing, viewing, copying, etc., a time and date stamp are logged into the system corresponding to the specific video data being accessed. If the video data has, somehow, been subject to tampering, a time and date stamp will appear in the log. In that way, a digital trail of every action taken with the specific video data is kept in order to protect evidence integrity.

10. If a video is erased because it is considered non-essential or for any other reason, the Axon system continues to maintain the digital footprint extending from the moment the video data was originally uploaded through to the moment the video data was erased. The Axon system permanently maintains the digital footprint of the video data even if the video data itself is no longer on the system.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

DATED this 5th day of November 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

CHRIS BURBANK